

**Notice of Allowability**

Application No.

09/881,017

Examiner

Gregory M. Desire

Applicant(s)

FUDGE ET AL.

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response to election filed 2/28/05.
2. ☒ The allowed claim(s) is/are 1-2, 3, 4-6, 7-12, 13-14, 15, 16-37, 38, 39-41, 42-47, 48-49, 50-51 and 52-69 (renumbered 1-2, 6, 3-5, 7-12, 14-15, 13, 16-37, 41, 38-40, 42-47, 50-51, 48-49 and 52-69, respectively).
3. ☒ The drawings filed on 13 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/11/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the response to the election filed 2/28/05.

#### ***Election/Restrictions***

2. Applicant's election without traverse of claims 1-69 in the reply filed on 2/28/05 is acknowledged. The examiner acknowledges the cancellation of claims 70-79.

#### ***Allowable Subject Matter***

3. Claims 1-2, 3, 4-6, 7-12, 13-14, 15, 16-37, 38, 39-41, 42-47, 48-49, 50-51 and 52-69 (renumbered 1-2, 6, 3-5, 7-12, 14-15, 13, 16-37, 41, 38-40, 42-47, 50-51, 48-49 and 52-69, respectively) are allowed.



4. The following is an examiner's statement of reasons for allowance: for independent claims 1, 7, 36 and 42. Regarding the broadest apparatus and method claims 7 and 42, respectively the prior art fails to teach location and time data, applying error coding and spreading function, combined with pseudo random code to produce watermark data representing location and time specific watermark, this in combination with other limitations of supplying an image in transform space and adding watermark data depending on characteristic of attribute and image data is not taught in the prior art. Claims 1 and 42 includes the features of the broadest claims 7 and 42 and more specific limitations that are not taught in the prior art. The remaining dependent claims depend on the independent claims 1, 7, 36 and 42. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire

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G.D.  
June 8, 2005



**BHAVESH M. MEHTA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**